



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

144850



MAR 06 2012

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Joseph Criscuolo
Business Administrator
Township of Old Bridge
One Old Bridge Plaza
Old Bridge, NJ 08957

Re: Raritan Bay Slag Superfund Site, Middlesex County, New Jersey -
Request for Information Pursuant to Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. § 9601, et seq.

Dear Mr. Criscuolo:

This letter seeks the cooperation of the Township of Old Bridge (the Township) in providing information and documents relating to the contamination of the Raritan Bay Slag Superfund Site (the "Site") located in Old Bridge and Sayreville, New Jersey.

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. EPA is conducting a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our authorities under the federal Superfund law.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority. This authority allows EPA to require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility, and the nature or extent of a release of a hazardous substance, or pollutant, or contaminant at or from a facility. EPA may also gather information about the ability of a person to pay for or perform a cleanup.

While EPA seeks the Township's cooperation in this investigation, compliance with the Request for Information is required by law. When you have prepared the Township's response to the

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with the Township's response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions section which follows this letter, including the requirement for supporting its claim for confidentiality.

Please note that if after submitting its response, you obtain additional or different information concerning the matters addressed by our Request for Information, you must immediately turn over the additional or different information to EPA.

We encourage you to give this matter its immediate attention and request that it provide a complete and truthful response to all the questions in the attached Request for Information within 30 days of the Township's receipt of this letter.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

The Township's response to this Information Request should be mailed to:

Tanya Mitchell
Remedial Project Manager
U.S. Environmental Protection Agency, Region 2
New Jersey Remediation Branch
290 Broadway, 19th Floor
New York, N.Y. 10007-1866

A copy of the Township's response should be sent to:

Frank Cardiello, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

If you have any questions regarding this Request for Information, or would like to discuss this

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

matter with EPA, please contact Ms. Mitchell at (212) 637-4362. Inquiries from attorneys should be addressed to Mr. Cardiello at (212) 637-3148.

We appreciate and look forward to the Township's prompt response to this matter.

Sincerely yours,



Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency & Remedial Response Division

cc: Tanya Mitchell, EPA-ERRD
Frank Cardiello EPA/ORC

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of the Township whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that the Township supplement its response to EPA within 30 days from the date such information or documents became available to it.
6. If you have reason to believe that an individual other than one employed by the Township may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
11. Confidential Information. The information requested herein must be provided even though the Township may contend that it includes confidential information or trade secrets. The Township may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007 (b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information the Township submits to EPA, the Township must prove that claim. For each document or response the Township claims is confidential, the Township must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by the Township to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether the Township asserts that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope. All confidentiality claims are subject to EPA verification. It is important that the Township satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that it is not and has not been obtainable by legitimate means without the Township's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to the Township.

Disclosure to EPA Contractor. Information which you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

B. DEFINITIONS

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "by-product" means any secondary or incidental product generated as a consequence of an industrial or manufacturing process, and is not the primary product or service being produced. A by-product can be useful and marketable, or it can be considered waste.
3. The term "you," "your" or "Township" shall mean the Township of Old Bridge and its predecessor, the Township of Madison and any divisions, branches, officers, managers, employees, contractors, , assigns or agents.
4. The term "document" and "documents" includes any written, recorded, computer

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances, products or other nonhazardous substances.

6. The term "identify" means, with respect to a natural person, to set forth:

- a. the person's full name;
- b. present or last known home address and home telephone number; and
- c. present or last known employer and business address and business telephone number, (include job title, occupation, position or business).

7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.

8. The term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:

- a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. § 9601(14);
- b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
- c. it has a PH less than 2.0 or greater than 12.5;
- d. it reacts violently when mixed with water;
- e. it generates toxic gases when mixed with water;
- f. it easily ignites or explodes;
- g. it is an industrial waste product;
- h. it is "furnace matte" containing metal waste;
- i. it is "slag" containing metal waste;
- j. it is an industrial treatment plant sludge or supernatant;
- k. it is an industrial by-product;
- l. it is coolant water or blowdown waste from a coolant system;
- m. it is a spent product which could be reused after rehabilitation; or
- n. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

9. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to industrial and other wastes.

10. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

11. The term "record" or "records" shall mean any tangible item or electronic storage medium on which information of any type is placed. The term includes any paper document, digital record, photograph, business record, contract, E-mail and all other items on which information of any type is stored or recorded.

12. The term "slag" shall mean any solid containing lead at any concentration. The term "slag" also includes any solid created by any incineration, smelting, secondary smelting and/or lead reclamation operation(s), including, but not limited to, lead ingots, dross, lead battery casings any solid produced from a blast furnace operation, any saucer shaped or hemispheric shaped ingots or solids containing any lead, any furnace mattes, and any solids known as "buttons" produced as a result of a smelting or blast furnace operation.

13. The term "Site" means the Raritan Bay Slag Superfund Site located in Old Bridge, New Jersey and depicted on the enclosed map. The Raritan Bay Slag Superfund Site is located in the Laurence Harbor section of Old Bridge and in Sayreville, Middlesex County, New Jersey. The Site is approximately 1.3 miles in length and consists of the waterfront area between Margaret's Creek and the area just beyond the western jetty at the Cheesequake Creek Inlet. The Laurence Harbor seawall makes up part of the Site. The portion of the Site that is situated in Laurence Harbor is part of what is now called the Old Bridge Waterfront Park. The site is bordered to the east and west by residential properties; immediately to the south by State Highway 35 with residential properties beyond the highway; and to the north by Raritan Bay. The Site includes those properties identified on the Township of Old Bridge Tax map as Block 1, Lots 45.11, 45.30, 48, 49, 50, 53, 54.11 and 54.12.

14. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, including lead and other scrap metals, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

REQUEST FOR INFORMATION

1. EPA is aware that the Township of Old Bridge is the owner of record of property identified as Block 1, Lots 45.11, 45.30, 48, 49, 50, 53, 54.11 and 54.12 on the tax map of the Township of Old Bridge. Please provide the following information with respect to each parcel above:

- a. The date the Township acquired the parcel;
- b. The nature of the transaction under which the Township took title to a parcel (e.g., foreclosure, condemnation, gift, purchase, etc.)
- c. The person or entity from whom title was obtained;
- d. Provide copies of deeds or other instruments documenting the conveyance of each parcel to the Township.

2. Do you have any reason to believe that the Township ever permitted or arranged with any other entity for the disposal of any slag, spent battery cases, battery plates from lead/acid batteries at the Site? If Yes, please :

- a. Provide the name of each entity with whom the Township had such arrangements and dates during which the arrangements were in effect;
- b. Describe how each arrangement provided for the treatment, storage, or disposal of such materials;
- c. Provide copies of all documents relating to the disposal of the slag, spent battery cases or battery plates at the Site.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

3. Did the Township ever dispose of or arrange for the disposal of, or allow others to dispose of, any "industrial waste" or any "waste" or any "slag" anywhere within the Raritan Bay Slag Superfund Site. (See definitions # 8, 12, 13 and 14, above.)

4. If you answered in the affirmative to Question 3 above, state with as much detail as possible:

- a. the date or time period during which the Township disposed or arranged for the disposal of, or allowed others to dispose of, any of the material(s) referred to at the Site;
- b. the type of material(s) disposed there;
- c. the volume of material(s) disposed of there;
- d. the physical state, nature (including, e.g., chemical composition, toxicity) and amount of such materials;
- e. the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- f. Provide copies of any documents or records pertinent to or relied upon in this question.

5. Provide the name, address and telephone number of any and all transporters used by the Township which the Township has any reason to believe may have disposed of any material of any type at the Site.

6. State whether the Township ever had a business relationship with any of the following:

- a. NL Industries.
- b. Liberty Trucking Company
- c. Ramble Realty Co.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

- d. Twin Anchors Marine Basin
- e. Charles Ludwig, Rose Ludwig, Linda Ludwig or Claire Ludwig
- f. Almasi Trucking Co.
- g. Gates Construction Co.

If the answer to any of the above questions 6.a through 6.g is Yes, describe in detail the nature of any current or past business relationship between the Township and any of the above individuals or entities and provide all records relating the Township's business relationship with all of the above.

7. Provide the name, address and telephone number of each and every municipal employee responsible for, involved in, or that has or had knowledge of the disposal of material(s) at the Site or the arrangement for the disposal of material(s) at the Site.

8. EPA is aware that various beach erosion and hurricane control projects were undertaken on or about Block 1, Lots 45.11, 45.30, 49, 50 and 54.12. These projects included construction of a sea wall, several jetties and other shore barrier and beach control projects. Please provide the following information on the construction of these projects:

- a. The construction company(s) involved in the projects, and;
- b. The source of any slag, industrial waste, waste or fill materials used in the projects.
- c. All records, from any Township Department, related to projects described above, including all construction and engineering permits, contracts, performance bonds, plans, reports, maps, surveys, photographs and correspondence.

EPA REQUEST FOR INFORMATION TO THE TOWNSHIP OF OLD BRIDGE
IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey
County of Middlesex:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 2012

Notary Public